



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

James D. CRAPO, *et al.*

Serial No.: 10/051,367

Filed: January 22, 2002

For: CANCER THERAPY

)
) Group Art Unit: 1617

)
) Examiner: Shengun Wang

)
) Customer No.: 36183

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In compliance with the Applicant's duty under 37 CFR § 1.56, the following information is brought to the attention of the Examiner.

REFERENCES

☒ The references are listed on the attached Form PTO/SB/08a and copies are enclosed for the convenience of the Examiner.

☐ Copies of the references listed on the attached Form PTO/SB/08a have already been submitted in corresponding Patent Application No. _____ and therefore, copies of the same are not enclosed.

☒ Copies of U.S. Patent documents are not enclosed herewith.

The items identified in this Information Disclosure Statement may or may not be “material” pursuant to 37 CFR § 1.56 and the submission thereof by Applicant shall not be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as “prior art” 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

The filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR § 1.56, exists.

DISCLOSURE

☐ The attached IDS is being filed in accordance with 37 CFR §§ 1.97 and 1.98. This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b)(3), that is before the mailing of a first Office Action on the merits. Thus, no petition or fee is required. However, if the undersigned representative of Applicant is in error in this regard, then the Examiner is requested to consider this IDS as filed under § 1.97(c).

☒ The attached Information Disclosure Statement is being filed in accordance with 37 CFR §§ 1.97(c) and 1.98. This IDS is being filed after an action on the merits but before a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement on page 4 Under 37 C.F.R. 1.92(e)(1) and 1.97(e)(2); or
- (2) The fee set forth in 37 C.F.R. 1.17(p).

In the event that this IDS is not received before a Final Action under § 1.113 or a Notice of Allowance under § 1.311, the Applicant respectfully requests the filing of these papers to be considered a petition requesting consideration of this IDS pursuant to 37 CFR § 1.97(d).

☐ The attached Information Disclosure Statement is being filed in accordance with 37 CFR §§ 1.97(d) and 1.98. This IDS is being filed after receipt of a final action but before receipt of a Notice of Allowance Under §1.311.

PAYMENT METHOD

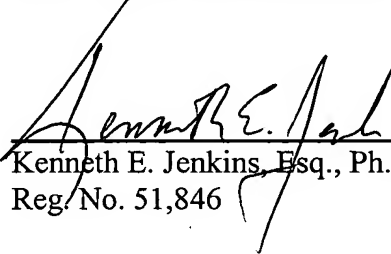
- ☐ Enclosed is a check to cover the fee pursuant to 37 CFR § 1.17(p).
- ☒ The Examiner is hereby authorized to charge any fee due with this filing to our Deposit Account No. **50-2613**.
- ☒ The Examiner is hereby authorized to charge any additional fee(s) required by this paper to our Deposit Account No. **50-2613**.

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Dated: October 5, 2006

By:


Kenneth E. Jenkins, Esq., Ph.D.
Reg. No. 51,846

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Complete if Known

Application Number	10/051,367
Filing Date	01/22/2002
First Named Inventor	James D. Crapo
Art Unit	1617
Examiner Name	Shengjun Wang
Attorney Docket Number	59062.00009.UTL

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-4,829,984	5/1989	Gordon	
		US-4,866,054	9/1989	Dori et al	
		US-5,010,073	4/1991	Kappas et al	
		US-5,087,438	2/1992	Gordon	
		US-5,109,016	5/1992	Dixon et al	
		US-5,192,788	3/1993	Dixon et al	
		US-5,277,908	1/1994	Beckman et al	
		US-5,403,834	4/1995	Malfroy-Camine et al	
		US-5,405,369	4/1995	Selman et al	
		US-2002/0058643	5/2002	Cherian et al	
		US-5,563,132	10/1996	Bodaness	
		US-5,604,199	2/1997	Funanage	
		US-5,610,293	3/1997	Riley et al	
		US-5,637,578	6/1997	Riley et al	
		US-5,874,421	2/1999	Riley et al	
		US-5,976,498	11/1999	Neumann et al	
		US-6,013,241	1/2000	Marchal et al	
		US-6,060,467	5/2000	Buelow et al	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ "Number" ⁴ "Kind Code" ⁵ (if known)				
		WO 92/08482	5/1992			
		WO 97/06824	2/1997			
		WO 97/06830	2/1997			
		WO 97/06831	2/1997			
		WO 97/33588	9/1997			

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		US-6,180,620	1/2001	Salvemini	
		US-6,204,259	3/2001	Riley et al	
		US-6,214,817	4/2001	Riley et al	
		US-6,245,758	6/2001	Stern et al	
		US-6,372,727	4/2002	Crow et al	
		US-6,395,725	5/2002	Salvemini	
		US-6,403,788	6/2002	Meunier et al	
		US-6,417,182	7/2002	Abrams et al	
		US-6,566,517	5/2003	Miura et al	
		US-6,548,045	4/2003	Sakata et al	
		US-6,602,998	8/2003	Kobuke et al	
		US-6,624,187	9/2003	Pandey et al	
		US-5,976,551	11/1999	Mottez et al	
		US-6,544,975	4/2003	Crapo et al	
		US-4,657,902	4/1987	Kappas et al	
		US-5/192,757	3/1993	Johnson et al	
		US-5,834,509	11/1998	Malfroy-Camine et al	
		US-5,948,771	9/1999	Danziger	

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		Country Code ³ "Number" ⁴ "Kind Code" ⁵ (if known)				
		WO 97/33877	9/1997			
		WO 98/58636	12/1998			
		WO 00/04868	2/2000			
		WO 00/72893	12/2000			
		WO 96/40148	12/1996			

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		Number-Kind Code ² (if known)			
		US- 5,994,410	11/1999	Chiang et al	
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		Country Code ³ "Number" ⁴ "Kind Code" ⁵ (if known)				
		WO 00/75144	12/2000			
		WO 00/19993	4/2000			
		WO 00/23568	4/2000			
		JP 03273082	12/1991			
		0 284 645 (Europe)	10/1988			

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		US-			
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		WO 94/05285	3/1994			

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Batinic-Haberle et al, "Manganese(III) meso-tetrakis(ortho-N-alkylpyridyl)porphyrins. Synthesis, characterization, and catalysis of O ₂ -dismutation", J. Chem. Soc. Dalton Trans., pgs. 2689-2696 (2002)	
		Yu and Su, "Electrocatalytic reduction of nitric oxide by water-soluble manganese porphyrins", Journal of Electroanalytical Chemistry 368:323-327 (1994)	
		Hambright et al, "Synthesis and Characterization of New Isomeric Water-Soluble Porphyrins Tetra(2-N-methylpyridyl)porphine and Tetra(3-N-methylpyridyl)porphine", Inorganic Chemistry 15(9):2314-2315 (1976)	
		Batinic-Haberle et al, Relationship among Redox Potentials, proton Dissociation Constants of Pyrrolic Nitrogens, and in Vivo and in Vitro Superoxide Dismutating Activities of Manganese(III) and Iron(III) Water-Soluble Porphyrins", Inorg. Chem. 38:4011-4022 (1999)	
		Richards et al, "Observation of a Stable Water-Soluble Lithium Porphyrin", Inorg. Chem. 35:1940-1944 (1996)	
		Szabo et al, "Part I: Pathogenetic Role of Peroxynitrite in the Development of Diabetes and Diabetic Vascular Complications: Studies With FP15, A Novel Potent Peroxynitrite Decomposition Catalyst", Molecular Medicine 8(10):571-580 (2002)	
		Mabley et al, "Part II: Beneficial Effects of the Peroxynitrite Decomposition Catalyst FP15 in Murine Models of Arthritis and Colitis", Molecular Medicine 8(10):581-590 (2002)	
		Beckman et al, "Apparent hydroxyl radical production by peroxynitrite: Implications for endothelial injury from nitric oxide and superoxide", Proc. Natl. Acad. Sci. USA 87:1620-1624 (1990)	
		Shimanovich et al, "Mn(II)-Texaphyrin as a Catalyst for the Decomposition of Peroxynitrite", J. Am. Chem. Soc. 123:3613-3614 (2001)	
		El-Far and Pimstone, "Selective in Vivo Tumor Localization of Uroporphyrin Isomer I in Mouse Mammary Carcinoma: Superiority over Other Porphyrins in a Comparative Study", Cancer Research 46:34390-4394 (1986)	

Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket Number	59062.00009.UTL

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Polson et al, "The Effect of Liver Transplantation in a 13-Year-Old Boy with Erythropoietic Protoporphyrin", Transplantation 46(3):386-389 (1988)	
		Groves and Marla, "Peroxynitrite-Induced DNA Strand Scission Mediated by a Manganese Porphyrin", J. Am. Chem. Soc. 117(37):9578-9579 (1995)	
		Gauuan et al, "Superoxide dismutase mimetics: synthesis and structure-activity relationship study of MnTBAP analogues", Bioorganic & Medicinal Chemistry 10(9):3013-3021 (2002)	
		Laehdesmaeki et al, "Detection of Oxygen Consumption of Cultured Adherent Cells by Bead Injection Spectroscopy", Analytical Chemistry 71(22):5248-5252 (1999)	
		Vinogradov and Wilson, "Palladium catalyzed carbonylation of Br-substituted porphyrins", Tetrahedron Letters 39(49):8935-8938 (1998)	
		Lindsey et al, "Synthesis of tetraphenylporphyrins under very mild conditions", Tetrahedron Letters 27(41):4969-4970 (1986)	
		Walker et al, "Models of the cytochromes b. 5. EPR Studies of low-spin iron(III) tetraphenylporphyrins", Journal of the American Chemical Society 106(23):6888-6898 (1984)	
		Lindsey et al, "Rothmund and Adler-Longo Reactions Revisited: Synthesis of Tetraphenylporphyrins under Equilibrium Conditions", J. Org. Chem. 52:827-836 (1987)	
		Lindsey et al, i262Cf Plasma Desorption Mass Spectrometry in the Synthesis of Porphyrin Model Systems", Anal. Chem. 64(22):2804-2814 (1992)	
		Tsvetkov et al, "Infrared spectra of copper complexes of tetraphenylporphyrin", Izvestiya Vysshikh Uchebnykh Zavedenij, Khimiya i Khimicheskaya Tekhnologiya 27(7):782-785 (1984) - English Abstract	

Examiner
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Considered

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		Berezin et al, Effect of ligand structure on the kinetic stability of tetraphenylporphyrin complexes of zinc and cadmium", Zhurnal Neorganicheskoi Khimii 25(10):2645-2652 (1980) - English Abstract	
		Berezin et al, "Factors determining the stability of complexes of copper with p-substituted derivatives of tetraphenylporphine", Zhurnal Fizicheskoi Khimii 53(11):2716-2719 (1979) - English Abstract	
		Wang et al, Structure of LB film of 5,10,15,20-tetra(p-ethoxycarbonphenyl)porphyrin", Yingyong Huaxue 10(21):87-88 (1993) - English Abstract	

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1617

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

12

Application Number

10/051,367

Filing Date

January 22, 2002

First Named Inventor

Crapo, et al

Art Unit

1617

Examiner Name

Weng, Shengjun

Attorney Docket Number

59062.00009.UTL

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☒ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
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☐ Request for Refund

☐ CD, Number of CD(s) _____

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☐ After Allowance Communication to TC

☐ Appeal Communication to Board
of Appeals and Interferences

☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

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☐ Status Letter

☒ Other Enclosure(s) (please identify
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Information Disclosure Statement;
Information Disclosure Statement
By Applicant/Form PTO/SB/08a;
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Paul Hastings Janofsky & Walker LLP

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Kenneth E. Jenkins

Printed name

Kenneth E. Jenkins

Date

October 5, 2006

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